

$$\frac{86}{8}$$

Mail robbery

No. 2496-I.

FROM

W. J. CUNINGHAM, Esq.,

Officiating Under-Secretary to the Government of India ;

TO

THE CHIEF SECY. TO THE GOVT. OF FORT ST. GEORGE.

" " " OF BOMBAY.

THE SECRETARY " OF BENGAL (POLITICAL
DEPARTMENT).

" " OF THE N.-W. PROVINCES
AND OUDH.

" " OF THE PUNJAB.

THE CHIEF COMMISSIONER OF THE CENTRAL PROVINCES.

" " OF AJMERE-MERWARA.

" " OF ASSAM.

THE RESIDENT AT HYDERABAD.

" IN MYSORE.

THE AGENT TO THE GOVR.-GENL. IN CENTRAL INDIA.

" " " IN RAJPUTANA.

" " " AT BARODA.

THE GENERAL SUPERINTENDENT OF OPERATIONS FOR THE
SUPPRESSION OF THAGI AND DAKAITI.

THE DIRECTOR-GENERAL OF THE POST OFFICE OF INDIA.

Dated Simla, the 29th July 1885.

FOREIGN DEPT.
Internal.

SIR,

IN forwarding a copy of Foreign Department Resolution No. 2495-I., dated the 29th of July 1885, I am directed to invite special attention to clause 2 of the third of the revised rules which have been prescribed with reference to mail-robberies in Native States.

2. The Government of India, I am to observe, consider that charges preferred by the officials of Native States against carriers employed by the British Postal Department should be received with much caution ; for it may frequently happen that those officials have a direct interest in convicting a helpless class of men who possess neither the means nor the education necessary for self-defence.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed) W. J. CUNINGHAM,

Officiating Under-Secretary to the Government of India.

20 July 1885

No. 2495-I.

*Extract from the Proceedings of the Government of India, in the Foreign Department, dated
Simla, the 29th July 1885.*

Read again the following correspondence :—

1. Resolution of the Government of India, in the Foreign Department, No. 1095, dated the 18th July 1866.
2. Letter from the Government of Bombay, No. 6053, dated the 27th December 1879.
3. " " " " " 3444, " 21st July 1880.
4. " " " " " 3961, " 18th August 1880.
5. " " " " " 4934, " 13th October "
6. " to the Government of Bombay, No. 568 I.P., " 21st July 1881.
7. Despatch to Her Majesty's Secretary of State for India, No. 100-P., dated the 12th August 1881.
8. Political despatch from Her Majesty's Secretary of State for India, No. 112, dated the 3rd November 1881.
9. Letter to the Government of Bombay, No. 75 I.P., dated the 6th February 1882.
10. " from the Government of Bombay, No. 912, dated the 23rd February 1882.

Read the following correspondence :—

To the Government of the Punjab, No. 3109I., dated the 17th October 1883.
From " " " " 536, " 13th November 1883.
To Director-General of the Post Office of India, No. 3120I., dated the 17th October 1883.
From " " " " 8879, " the 29th November 1883.
The Chief Commissioner of Assam, No. 3116I., dated the 17th October 1883.
From " " " " 1956, " 19th December "
To the Government of Madras, No. 3105I., dated the 17th October 1883.
From " " " " 899, " 14th December 1883.
To Chief Commissioner of British Burma, No. 3115I., dated the 17th October 1883.
From " " " " 431-63 P., dated the 20th December 1883.
To Resident at Hyderabad, No. 3113I., dated the 17th October 1883.
From " " " " 101, " 10th January 1884.
To the Government of Bombay, No. 3106I., dated the 17th October 1883.
From " " " " 247, " 14th January 1884.
To Resident in Mysore, No. 3114I., dated the 17th October 1883.
From " " " " 2368-378, dated the 4th February 1884.
To Chief Commissioner of Coorg, No. 3119I., dated the 17th October 1883.
From " " " " 1670-207I., dated the 7th February 1884.
To Chief Commissioner of the Central Provinces, No. 3117I., dated the 17th October 1883.
From " " " " No. 729-24, dated the 15th February 1884.
To the Government of the North-Western Provinces and Oudh, No. 3108I., dated the 17th October 1883.
From " " " " " " 15-17-2, dated the 26th March 1884.
To Agent to the Governor-General in Central India, No. 3110I., dated the 17th October 1883.
From " " " " 29P-94, dated the 29th March 1884.
To Agent to the Governor-General in Rajputana, No. 3111I., dated the 17th October 1883.
From " " " " 986G., dated the 14th April 1884.
To Director-General of the Post Office of India, No. 1359I., dated the 16th April 1884.
From " " " " 424, " 19th "

To General Superintendent of Operations for the Suppression of Thagi and Dakaiti, No. 3121I., dated the 17th October 1883.
 From General Superintendent of Operations for the Suppression of Thagi and Dakaiti, No. 447, dated the 5th May 1884.
 To Chief Commissioner of Ajmere-Merwara, No. 3118I., dated the 17th October 1883.
 From " " of Ajmere-Merwara, No. 351, dated the 4th May 1884.
 From the Government of the Punjab, No. 183, dated the 20th May 1884.
 To " " " " 1928I., " 29th " "
 To " " " " 2104I., dated the 9th June 1884.)
 From " " " " 293, dated the 19th May 1885.
 From Agent to the Govr.-Genl. in Rajputana, No. 2048G., dated the 10th July 1884.
 To the Government of Bengal, No. 3107I., dated the 17th October 1883.
 From " " " " 907P.D., " 5th August 1884,
 To Agent to the Governor-General at Baroda, No. 1170I., dated the 16th April 1885.
 From " " " " 4245, " 2nd May 1885.

RESOLUTION.—The Governor-General in Council observes that the responsibility of Native States for mail robberies committed within their territories is defined in the Resolution of the Government of India, in the Foreign Department, No. 1095, dated the 18th July 1866, which prescribes the following rules for general observance :—

- I. "Every State is responsible for the secure passage through its territory of the Government mail and parcel post.
- II. "Where mails or parcel posts are plundered with impunity in consequence of inefficient arrangements for their security on the high-roads traversing a State, that State will be required to increase the guards which accompany the mails and to strengthen its police stations along the high-roads, or the same will be done by the British Government at the expense of the Native State.
- III. "Where mails or parcel posts are plundered, the Native State into which the plunderers are traced, and out of which they cannot be traced, will be expected to levy compensation from the district for the value of the plundered mails or parcel posts.
- IV. "In estimating such compensation, no exemption whatever is to be made on account of bullion, jewellery, or other articles of great intrinsic value.
- V. "Where men are disabled for life, or killed in the defence, or in the carriage, of Government mails or parcel posts, claims to pensionary grants will be held to lie against the State held responsible for the outrage."

2. These rules assert in more unqualified terms than had previously been used the absolute responsibility of Native States for mail robberies occurring within their territories. Consequently the doctrine has gained ground that police efficiency cannot be pleaded as absolving a Native State from liability ; and that this liability may be enforced even if the theft or robbery is attributable to the conduct of officials of the British Post Office.

3. Since the promulgation of these rules the matters provided for by them have been considered by the Government of India on several occasions and in various shapes. It appears that full effect cannot properly be given in all cases to the rules as they stand ; while Her Majesty's Secretary of State, under whose notice the subject has come, is of opinion that due regard should be paid to the efficiency of the State Police, and to the vigilance displayed by the Darbar's officials in endeavouring to bring offenders to justice. These views will now be adopted by modifying the existing rules ; which, moreover, need revision in certain points of detail.

4. Accordingly the Governor-General in Council is pleased, after consulting Local Governments and Administrations, to substitute the following rules regarding mail robberies in Native States for those prescribed in the Foreign Department Resolution No. 1095, dated the 18th July 1866:—

I. Every Native State is responsible for the secure passage through its territory of the Imperial mail and parcel post; and every Native State in the territory of which the Imperial mail or parcel post is robbed is *primâ facie* liable—

- (1) to pay to the British Government the full value of whatever is taken or destroyed by the robbers; and
- (2) to pay such compensation as the British Government requires to carriers of the mail or other persons, or to their families, in the event of the carriers or other persons being injured or killed in connection with the robbery.

Explanations—

- (a) The term “mail” includes any letter, parcel, or other article conveyed under the provisions of the Indian Post Office Act XIV of 1866, as well as any box, bag, or other article, or any carriage, horse, messenger or other person, employed or used by the Post Office for the conveyance or safe custody of mails.
- (b) No exemption shall be allowed in estimating the above-mentioned payment or compensation on account of bullion, jewellery or other articles of great intrinsic value.
- (c) This rule does not affect the liability of the British Post Office to make good, under its departmental rules of insurance, the value of insured articles committed to its charge.

II. If a mail robbery is committed in the territory of one State, and the tracks of the robbers are traced into the territory of another State or States, and there lost, the *primâ facie* liability for the robbery shall generally be shared in equal proportions by the State in which the robbery occurs, and the State or States into which the robbers are finally tracked.

*Explanation—*This rule shall not be held to necessitate minute or inconvenient apportionment of liability between several States; and if doubts or complications arise, the *primâ facie* liability shall be held to rest upon the State in which the mail robbery may have been committed.

III. A Native State to whom the *primâ facie* liability defined above attaches may plead in extenuation thereof facts showing—

- (1) that its police arrangements are efficient, especially with regard to the protection of the mail-routes passing through its territories; and that it has displayed zeal and energy in bringing, or in attempting to bring, the robbers to justice;
- (2) that the robbery was committed, without complicity on the part of any of its own subjects, or contributory negligence on the part of its own local authorities, by a servant of the British Post Office.

Explanation—

The mere infrequency of mail robberies shall not alone be regarded as an extenuating circumstance, or as evidence of police efficiency.

IV. The compensation paid by Native States in discharge of the liability defined in Clause I (1), and the balances of existing “Mail Robbery Funds,” shall be credited to the miscellaneous revenue of the Post Office of India; and the Director-General of the Post Office may at his discretion award to consignors or consignees the whole or part of compensation payments to make good loss caused by the robbery of articles which are neither insured nor of great intrinsic value.

V. If, owing to the inefficiency of the protective system in any Native State, mail robberies are allowed to become frequent and to remain unpunished, the Government of India, or the Local Government, may, in addition to the enforcement of the pecuniary liability above defined, require the State to take such measures as may appear necessary and desirable for securing the safety of the mail; and, in the default of the State, may cause such measures to be carried out by Government agency at the expense of the State.

ORDER.—A copy of this Resolution should be forwarded for information and guidance to the Financial Department of the Government of India, to all Local Governments and Administrations (except British Burma), to the Director General of the Post Office of India, and to the General Superintendent of Operations for the Suppression of Thagi and Dakaiti.

(A true extract.)

(Sd). H. M. DURAND,

Secretary to the Government of India.

Bombay Castle, 27th August 1885.

Letter from the Officiating Under Secretary to the Government of India, Foreign Department, No. 2496-I., dated the 29th July 1885—Forwarding a copy of Foreign Department Resolution No. 2495-I., dated the 29th July 1885, which lays down rules regarding mail-robberies in Native States in supersession of those prescribed in the Foreign Department Resolution No. 1095, dated the 18th July 1866. Inviting special attention to clause 2 of the third of the revised rules; and observing that the Government of India consider that charges preferred by the officials of Native States against carriers employed by the British Postal Department should be received with much caution, for it may frequently happen that those officials have a direct interest in convicting a helpless class of men who possess neither the means nor the education necessary for self-defence.

RESOLUTION.—Copies of these papers should be communicated to all Political Officers for information and guidance, with a request that the revised rules prescribed by the Government of India with reference to mail-robberies committed in Native States, may be made known to the several Chiefs within their political control.

J. B. RICHEY,
Chief Secretary to Government.

To

The Commissioner in Sind,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
The Political Agent, Káthiáwár,
The Political Agent, Kolhápúr and Southern Marátha
Country,
The Political Agent, Rewa Kántha,
The Political Agent, Cutch,
The Political Agent, Mahi Kántha,
The Political Superintendent, Pálanpur,
The Political Superintendent, Sávantvádi,
The Agent to His Excellency the Governor, Surat,
The Collector and Political Agent, Khándesh,
The Collector and Political Agent, Sátára,
The Collector and Political Agent, Thána,
The Collector and Political Agent, Kolába,
The Collector and Political Agent, Dhárwár,
The Collector and Political Agent, Káira,
The Collector and Political Agent, Sholápur,

With copy to
each of the
papers referred
to.

cl^o of 1883
Shamra Septe 1883
Copy, with copy of the receipt
forwarded to the Divan of Savan
for information.

Mag Collector
18.8.85

Indum 26-2-85
S. H. H.

No. 5722.

POLITICAL DEPARTMENT.

Bombay Castle, 19th September 1885.

Letter from the Acting Political Agent, Mahi Kántha, No. 2103, dated 31st August 1885—
Requesting that he may be furnished with 100 copies of Gujaráthi translations of the
• revised rules relating to mail robberies, forwarded with this Department Resolution
No. 5245, dated 27th idem, and stating that without the translations it will be rather
inconvenient to give the rules due publicity.

Endorsement by the Acting Commissioner, N. D., No. 539, dated 3rd September 1885—
Forwarding the above.

Letter from the Political Agent, Sátára, No. 965, dated 2nd September 1885—Suggesting,
with reference to Government Resolution No. 5245, dated 27th ultimo, that Political
officers should be supplied, for communication to Native States, with authoritative
translations in the vernacular, prepared by the Oriental Translator, of the revised rules
prescribed by the Government of India relating to mail robberies committed in Native
States.

RESOLUTION—The Oriental Translator to Government should be requested
to have translations of the rules prepared in Gujaráthi and Maráthi and to for-
ward them when ready to the Superintendent, Government Central Press, who
should be instructed to print a sufficient number of copies to meet the require-
ments of all Political officers.

2. The Political officers should inform the Superintendent of the Press
direct as to the number of copies required by them.

J. B. RICHEY,
Chief Secretary to Government.

To

The Commissioner in Sind,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
The Political Agent, Káthiáwár,
The Political Agent, Kolhápur and Southern Maráthá Country,
The Political Agent, Rewa Kántha,
The Political Agent, Cutch,
The Political Agent, Mahi Kántha,
The Political Superintendent, Pálanpur,
The Political Superintendent, Sávantvádi,
The Agent to His Excellency the Governor, Surat,
The Collector and Political Agent, Khándesh,
The Collector and Political Agent, Sátára,
The Collector and Political Agent, Thána,
The Collector and Political Agent, Kolába,
The Collector and Political Agent, Dhárwár,
The Collector and Political Agent, Kaira,
The Collector and Political Agent, Sholápur,
The Superintendent, Government Central Press,
The Oriental Translator to Government (with copy of the rules referred to).

Recd of 1885.
Dharmar & September 1885.
Cop forwarded to the Divan of
Savannur.

No 114 of 1888.

To

J. K. Spence Esquire
District Magistrate and
Political Agent, Dharwar
Karwar the 2nd June 1888

Sir,

I have the honor to report
for your information that the mail
for Sirsi despatched from the Yelwagi
Post office on the 25th May last at
9 P.M., was attacked by highway -
robbers between Yelwagi and Savanur.
The scene of attack, was at the
bridge on the Nalla whic
2 miles from Savanur and
from Yelwagi. The rob
place in the territoire

the Nawab of Savanur.

The runner carrying the mail, was severely attacked and beaten, and I am informed that the Nawab has sent him to Haveri for medical treatment.

Almost all the articles of mails, were found the next morning in the neighbouring fields in a confused and disordered state except the following:—

From the Savanur Mail bag,
3 annas in cash, and from the
14 mail bag, 8 annas in
postage labels of the
annas in all Rupees 1-6-0,
bes. Also the contents
of

of one ordinary parcel posted
at Betgeri for delivery at Sirsi,
have been robbed. It contained
small 4 series of the value of
Rs 43/-.

You may have, doubtless
ere this, been apprized of this
mail robbery, and all particulars
about it by His Highness the
Nawab. I have been informed
that a statement of the runner,
has been taken by the Divan to
His Highness, and I shall feel
obliged by your being so kind as
to cause a copy of the same being
sent to me, and copies of any other
papers in which full particulars
of

of the occurrence, have been given.

I also respectfully request you will be pleased to ask the Hawab Sahab to arrange for a Sawar to accompany the mail runners from Yelawagi to Savanur and Savanur to Bankapur for the safety of the mail and the runners for some period. Since the occurrence of the highway robbery, the runners on the line, have been very much frightened. They decline to carry the mail alone or singly at night.

I beg respectfully also that you will be pleased to recover the value of the articles and cash robbed

robbed viz Rs 44-6-- as stated
above from His Highness. Also
the paying of compensation to the
runner for the severe injuries
he has sustained may be fixed
as you may deem proper.

I have the honor to
say R. M. Bapat
Superintendent, Post
offices, Kanara Division

True copy

J. W. Shiner
District Magistrate
and Political Agent,
Dharwar

From

J. K. Spence Esquire
Political Agent
Acting Collector and Magistrate of the
District of Dharwar.

Recd 13-6-88

To,

The Nawab Sahib of
Savanur.

Dharwar Collector's Office,

Dharwar 11 June 1888.

Sir,

Mail robbery
in State

In forwarding
a copy of a
letter received
from the Superintendent of Post
offices, Kanara Division regard-
ing the mail robbery near Savanur,
I have the honor to remark that
a report ought to have been sent
by you immediately before I
received one from the postal
authorities.

authorities. The robbery has taken place in your territory, and under the authority of Government orders contained in their Resolution No 5245 dated 27th

August 1885, copy of which has been furnished to the Divan under this office No 3530 dated 11th September 1885, I am compelled to ask you to make good the loss which in the present case amounts to Rupees 44-6-, unless you can show the existence of extenuating circumstances in the present case, as described in Rule III of the rules promulgated with the above resolution.

As regards the compensation payable to the runner for the injury suffered, I am of opinion that it may be considered after his recovery. In the meantime, I request that you will make a full enquiry into the matter, and communicate the result at your earliest convenience.

3. The copies of the statement of the runner taken by the Divan and of other papers asked for by the Postal Superintendent, may be sent to him direct.

4. I would also request you to arrange for a Sawar to accompany the runner from Yelawagi to Savanur.

Savanur, and Savanur to Bunka-
pur for sometime for the safety
of the mail.

I have the honor to be,
Sir

Your most obed^t servant

J W Sherr
Ag Collector and Political
Agent